UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION

CASE NO. 3:09-cv-458-RJC-DSC

JAMES MORRISON,)	
Plaintiff,)))	
vs.)	ORDER
JEREMY MAURER,)))	
Defendant.))	

THIS MATTER is before the Court sua sponte. The issues were joined in this case on August 14, 2009. The case was transferred to the Western District of North Carolina on October 26, 2006. Despite the Notice issued by the Clerk of Court on October 26, 2009, no Certificate of Initial Attorneys Conference ("CIAC") has yet been filed, making such pleading past due. Inasmuch as the defendant is proceeding <u>pro se</u>, counsel for plaintiff may either meet by phone with such defendant or each party can file their own CIAC.

IT IS, THEREFORE, ORDERED that, within ten days of this Order, the parties either file the required CIAC or Plaintiff shall show cause as to why the CIAC has not been filed.

Otherwise, the case will be dismissed for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

Signed: February 12, 2010

Robert J. Conrad, Jr.

Chief United States District Judge